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| APPLICATION NO. | FILING DATE FIRST NAMED INVENTOR | | ATTORNEY DOCKET NO. | CONFIRMATION NO. | |
|----------------------------|----------------------------------|------------------|-------------------------|------------------|--|
| 10/625,270 | 07/23/2003 | Matthew P. Dugas | 14316.05 8400 | | |
| 75 | 590 08/27/2004 | EXAMINER | | | |
| Jason R. Kraus | | | HEINZ, ALLEN J | | |
| DORSEY & W | HITNEY LLP perty Department | ART UNIT | PAPER NUMBER | | |
| | Street, Suite 1500 | 2653 | | | |
| Minneapolis, MN 55402-1498 | | | DATE MAILED: 08/27/2004 | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| 1) Responsive to communication(s) filed on 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4 Claim(s) 1-30 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5 Claim(s) is/are allowed. 6 Claim(s) is/are objected to. 8 Claim(s) are subject to restriction and/or election requirement. Application Papers 9 The specification is objected to by the Examiner. 10 The drawing(s) filed on 23 July 2003 is/are: a) accepted or b) \ Objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12 Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * O None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. | | | Applicati | on No. | Applicant(s) | | | | |
|---|--|--|---|---|--|--|--|--|--|
| ## Examiner ## A. J. HEINZ ## Art Unit ## A. J. HEINZ ## B. J. HE | Office Action Summary | | 10/625,2 | 70 | DUGAS, MATTHEW P. | | | | |
| — The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. 1 Extractions of time may be available under the provisions of 3 °CPR 1.13(a). In no event, however, may a reply be timely filled after 50 k/g) 6007Fr/S from the mailing date of this communication of 3 °CPR 1.13(a). In no event, however, may a reply be timely filled after 50 k/g) 6007Fr/S from the mailing date of this communication of the provision of the provision of the provision of the stor extended period to reply with the statutory maintain of the five (S) MONTHS from the mailing date of this communication. Failure to mailing date of the communication. Failure to mailing date of this communication. Failure to mailing date of | | | Examine | r | | | | | |
| A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Entendence of time may be available under the spotwience of 37 CPR 1.130(a). In no event, however, may a reply be timely filled - If the period for popy specified above, the maximum statisticiny period will apply and will expens SIX (5) MONTH IS from the mailing date of this communication. - Failure to ingrey specified above, the maximum statisticiny period will apply and will expens SIX (5) MONTHS from the mailing date of this communication. - Failure to ingrey which the set of exemble period for eight will be statistic through the statistic period will apply and will expens SIX (5) MONTHS for mits remaining date of this communication. - Failure to ingrey which set of exemble period for eight will be provided any examined plantin term adjustment. See 37 CFR 1.704(b). - Status - This action is FINAL. - Zb) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. - Disposition of Claims - Application of Claims - Application for the above claim(s) is/are withdrawn from consideration. - Size (claim(s) is/are allowed. - Size (claim(s) is/are allowed. - Claim(s) are subject to restriction and/or election requirement. - Application Papers - 9) The specification is objected to by the Examiner. - 10) The drawing(s) filed on 23 July 2002 is/are: a) accepted or b) Diolected to by the Examiner. - Application any not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.136(a). - Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). - This part of the certified cop | | | A. J. HEII | NZ | 2653 | | | | |
| A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extractions of time may be well without the provisions of 3° CPR 1.13(s), in no event, however, may a reply be timely filled ### the period for reply specified above is less than thirty (30) days, a reply white the salutatory mismum of thirty (30) days will be considered timely. ### the period for reply specified above is less than thirty (30) days, a reply whiten the salutatory priced will apply and will be considered timely. ### the period for reply specified above is less than thirty (30) days, a reply whiten the salutatory priced will apply and will enter (50) (M port 11) for the resulting date of this communication. ### Fill point of the period of the priced priced to the salutation of the communication of the communication of the communication. ### Responsive to communication(s) filled on | | | ication appears on th | e cover sheet with the c | orrespondence address | | | | |
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| 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) | | | | | | | | | |
| 2) I The formation Displaying Chatagory (DTC 4440 or DTC/CR/09) 5) I I Notice of Informal Patent Application (PTO-152) | 2) Notic | e of Draftsperson's Patent Drawing Review (P | | Paper No(s)/Mail Da | ate | | | | |
| 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 5) Notice of Informal Patent Application (PTO-152) 6) Other: | | | | | | | | | |

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- 1. The drawings are objected to because they are informal.

 Correction to the drawings may be held in abeyance until the application is in condition for allowance.
- 2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the subject matter of Cls.1-30, i.e. the magnetic media having a timing based gap pattern must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
- 3. The following is a quotation of 37 CFR 1.71(a)-(c):
 - (a) The specification must include a written description of the invention or discovery and of the manner and process of making and using the same, and is required to be in such full, clear, concise, and exact terms as to enable any person skilled in the art or science to which the invention or discovery appertains, or with which it is most nearly connected, to make and use the same.
 - (b) The specification must set forth the precise invention for which a patent is solicited, in such manner as to distinguish it from other inventions and from what is old. It must describe completely a specific embodiment of the process, machine, manufacture, composition of matter or improvement invented, and must explain the mode of operation or principle

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whenever applicable. The best mode contemplated by the inventor of carrying out his invention must be set forth.

(C) In the case of an improvement, the specification must particularly point out the part or parts of the process, machine, manufacture, or composition of matter to which the improvement relates, and the description should be confined to the specific improvement and to such parts as necessarily cooperate with it or as may be necessary to a complete understanding or description of it.

The specification is objected to under 37 CFR 1.71 because the subject matter of Cls.1-30 is not fully disclosed. There is insufficient description pertaining to the magnetic media.

- 4. Claims 1-30 are rejected under 35 U.S.C. §112, first paragraph, as directed to subject matter which was not described in the specification in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention. See previous paragraph.
- 5. Claims 1-30 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point

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out and distinctly claim the subject matter which applicant regards as the invention.

The instant claims are indefinite and/or ambiguous because the claims are directed to a "magnetic media/tape" as indicated in the first line of Cls.1 and 22, however there is no more definition to the media or tape other than the feature that it has a 'timing based servo track' associated therewith... the balance of the claimed items deal with a magnetic recording head (and the process by which the head is fabricated) which technically are not part of the invention because it is only the means by which the timing based servo track is applied to the media.

Note that features/structures of the recording head are already the subject of applicant's earlier patent, PN 6,678,116, while the processes of making the recording head are the subject of applicant's earlier patent, PN 6,269,533.

An exhaustive search of indefinite and/or ambiguous language has not been attempted, but only exemplified in the preceding paragraphs. Therefore the applicant is responsible for a thorough review of all the claims to make corrections as appropriate.

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6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. §102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- 7. Claims 1-30 are rejected under 35 U.S.C. §102(a) as being anticipated by applicant's admitted prior art.

Note, to the extent claimed and understood, the structure of the media or tape with the feature of a 'timing based servo track' is well documented in applicant's disclosure in the 'Background of the Invention'.

8. For a complete response applicant should identify how the claimed structure of his invention defines over the art.

Moreover, where the applicant disagrees with the reasoning

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and/or application of the prior art on critical points of the claims, they should identify how the claimed structure of their invention defines over the art.

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- 9. If applicant has filed an information disclosure statement prior to one month before the mailing date of this office action and this instant office action does not contain an initialed-off copy (or copies) of all such filed IDS's (or at least a comment to the disposition of such IDS'S in the body of the office action itself) applicant should apprise the examiner of such missing documentation [to the IDS's] in response to this office action so that the examiner can take appropriate action to supply same to the applicant.
- 10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to A. J. HEINZ whose telephone number is (703) 308-1544. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM KORZUCH can be reached on (703) 305-6137. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

A. J. HEINZ
Primary Examiner
Art Unit 2653

S. J. Jun